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EXAMINER
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/597,862
Filing Date: April 28, 2008
Appellant(s): KENNEY, THOMAS J.

Charles A. Leyes
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/12/2011 appealing from the Office action

mailed 9/15/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying

by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-9, 11-26, and 28-31 are pending in the application.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of

amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter

contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of

rejection to be reviewed on appeal. Every ground of rejection set forth in the Office

action from which the appeal is taken (as modified by any advisory actions) is being

maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are

provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in

the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2004/0137893	MUTHUSWAMY et al	07-2004
6,782,251	KAGAY, Jr	08-2004
7,103,367	ADAMS et al	09-2006
5,734,978	HAYATAKE et al	03-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Specification

The amendment to the specification filed 7/6/2010 has been accepted and

entered (see amendment dated 7/6/2010, page 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-3, 5-7, 9, 11-15, 17-20, 22-24, 26, and 28-31 are rejected under 35

U.S.C. 103(a) as being unpatentable over Muthuswamy et al (2004/0137893 hereinafter

Muthuswamy) in view of Kagay, Jr (6,782,251 hereinafter Kagay).

Regarding claim 1. Muthuswamy teaches an apparatus comprising at least one

processor and at least one memory storing computer program code, wherein the at

least one memory and stored computer program code are configured, with the at least

one processor, to cause the apparatus to at least:

receive a remotely originated request to disable the apparatus (abstract,

paragraphs 0006-0007, 0022, 0031-0032, 0037);

extract information from the request (abstract, paragraphs 0006-0007, 0022,

0031-0032, 0037);

disable at least one functionality of the apparatus based at least in part on the

extracted information (abstract, paragraphs 0006-0007, 0022, 0031-0032, 0037).

Muthuswamy does not explicitly show in an instance in which the extracted

information indicates a tracking function is to be activated to facilitate locating the

apparatus: determine a tracking function to activate based at least in part on the

extracted information, the tracking function being selected based at least in part on one

or more of a time that has passed since the apparatus was lost or stolen or a location in

which the apparatus was lost or stolen; and activate the determined tracking function.

Kagay teaches an apparatus and method of operating a lost mobile

communication device (title, abstract). Kagay teaches using a security module to

control security operations of the mobile device (col. 2 line 15 - col. 3 line 6). For

example, when a user realizes the mobile device is lost, the user can remotely activate

a suspend mode by sending the mobile device a lost communication device message

such as SMS, a page, a telephone call, or any other communication useful for

communicating that the mobile device has been lost. Kagay teaches (col. 3 line 35 -

col. 4 line 16, col. 5 lines 38-52) the security module may also enable an alert sequence

(i.e. tracking function) to assist in locating the mobile device if the owner is in a local

area (i.e. or a location in which the apparatus was lost or stolen).

It would have been obvious for any one of ordinary skill in the art at the time of

invention to modify the mobile device as taught by Muthuswamy to include the security

module as taught by Kagay in order to provide a tracking function that can be remotely

activated thereby assisting the user in finding a lost phone in an area local to the user

as disclosed by Kagay.

Regarding claim 2. Muthuswamy teaches wherein the at least one memory and

stored computer program code are configured, with at least one processor, to cause the

apparatus to activate a pre-programmed security feature in response to the request

(paragraphs 0006-0007, 0022, 0031-0032, 0037).

Kagay also teaches wherein the at least one memory and stored computer

program code are configured, with at least one processor, to cause the apparatus to

activate a pre-programmed security feature in response to the request (col. 2 line 15 –

col. 3 line 6, col. line 35 - col. 4 line 16, col. 5 lines 38-52).

Regarding claim 3. Muthuswamy disclose that once the device is reported

stolen, the memory can be erased (see paragraph 37 and figure 4).

Regarding claim 5. Muthuswamy does not explicitly show using phone call to invoke the request.

Kagay teaches an apparatus and method of operating a lost mobile communication device (title, abstract). Kagay teaches using a security module to control security operations of the mobile device (col. 2 line 15 - col. 3 line 6). For example, when a user realizes the mobile device is lost, the user can **remotely activate a suspend mode by sending the mobile device a lost communication device message such as SMS, a page, a telephone call, or any other communication useful for communicating that the mobile device has been lost**. Kagay teaches (col. 3 line 35 - col. 4 line 16, col. 5 lines 38-52) the security module may also enable an alert sequence (i.e. tracking function) to assist in locating the mobile device if the owner is in a local area (i.e. or a location in which the apparatus was lost or stolen).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the mobile device as taught by Muthuswamy to include the security module as taught by Kagay in order to provide a tracking function that can be remotely activated thereby assisting the user in finding a lost phone in an area local to the user as disclosed by Kagay.

Regarding claim 6. Muthuswamy disclose that the invention can be a wireless communication system or the communication system could use Bluetooth, among other protocols (see paragraph 17).

Regarding claim 7. Muthuswamy disclose that the communication network sends a message to the device to disable it (see paragraph 37).

Kagay also teaches the communication network sends the request to the lost mobile phone (col. 2 line 15 – col. 3 line 6, col. 3 line 35 - col. 4 line 16, col. 5 lines 38-52).

Regarding claim 9. Muthuswamy disclose that the device is locked, the memory is erased, and optionally, hardware can be disabled (see paragraphs 0006-0007, 0037 and figure 4).

Kagay also teaches the mobile device can be locked (col. 3 lines 1-6, col. 4 lines 1-17).

Regarding claim 11. Kagay teaches wherein the determined tracking function component employs one or more of a global positioning system, a homing beacon and an **audio alarm** (col. 3 line 35 - col. 4 line 16, col. 5 lines 38-52).

Regarding claim 12. Muthuswamy disclose that the information is transferred form the stolen device to the backup server (see paragraph 37 and figure 4).

Regarding claim 13. Muthuswamy disclose that the user can call the service provider or the carrier operating the communication system to report that the communication device is stolen (see paragraph 37).

Regarding claim 14. Muthuswamy disclose that the communication device can be a mobile cellular telephone, a personal digital assistant or a laptop computer among other electronic devices (see paragraph 18).

Regarding claim 15. Method claim 15 is rejected for the same reason as apparatus claim 1 since the recited apparatus would perform the claimed method.

Regarding claim 17. Muthuswamy does not show locating the mobile device using the tracking function after the tracking function has been activated by the mobile device in response to the disable signal.

Kagay teaches an apparatus and method of operating a lost mobile communication device (title, abstract). Kagay teaches using a security module to control security operations of the mobile device (col. 2 line 15 - col. 3 line 6). For example, when a user realizes the mobile device is lost, the user can remotely activate a suspend mode by sending the mobile device a lost communication device message such as SMS, a page, a telephone call, or any other communication useful for communicating that the mobile device has been lost. Kagay teaches (col. 3 line 35 - col. 4 line 16, col. 5 lines 38-52) the security module may also enable an alert sequence (i.e. tracking function) to assist in locating the mobile device if the owner is in a local area (i.e. or a location in which the apparatus was lost or stolen).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the mobile device as taught by Muthuswamy to include the security module as taught by Kagay in order to provide a tracking function that can be remotely activated thereby assisting the user in finding a lost phone in an area local to the user as disclosed by Kagay.

Regarding claim 18. Muthuswamy disclose that the invention can be a wireless communication system or the communication system could use Bluet0oth, among other protocols (see paragraph 17), which reads on the claimed, "broadcasting the signal via

at least one of an IS2000, a CDMA, a TCDMA, a WCDMA, a TDMA, a FDMA, a GSM, a

PCS, a Bluetooth, a Wi-Fi, a Cellular and a GPS protocol."

Regarding claim 19. Muthuswamy disclose that the communication device

includes the security application 165 that processes security messages received and

can be programmed into the communication device. The security application initiates

the complete erasure of the information memory (see paragraphs 31-32).

Kagay also teaches wherein the disable signal comprises information configured

to cause the mobile device to disable at least one functionality via at least one of the

mobile device's internal security features (abstract, col. 2 line 43 - col. 3 line 6, col. 3

line 7 - col. 3 line 60, col. 3 line 61 - col. 4 line 51).

Regarding claim 20. Muthuswamy disclose that the device is locked, the

memory is erased, and optionally, hardware can be disabled (see paragraph 37 and

figure 4).

Kagay also teaches security module can lock out use of personal features like a

phonebook, a datebook, a web browser, and any other features that can or should be

locked out if the mobile device is lost (col. 3 lines 1-6).

Regarding claim 22. Muthuswamy disclose that the communication device can

be a mobile cellular telephone, a personal digital assistant or a laptop computer among

other electronic devices (see paragraph 18).

Kagay also teaches the communication device can be portable phone or note

book computer or pagers or personal digital assistants or laptop or the like (col. 1 lines

15-37).

Regarding claim 23. Muthuswamy disclose that the user can call the service provider or the carrier operating the communication system to report that the communication device is stolen (see paragraph 37).

Regarding claim 24. Method claim 24 is rejected for the same reason as apparatus claim 1 since the recited apparatus would perform the claimed method.

Regarding claim 26. Muthuswamy et al disclose that the operations are performed via security notifications (see paragraph 32).

Kagay also teaches wherein the signal is embedded in a signaling protocol of a wireless network (col. 2 lines 49-67).

Regarding claim 28. Muthuswamy teaches an apparatus comprising at least one processor and at least one memory storing computer program code, wherein the at least one memory and stored computer program code are configured, with the at least one processor, to cause the apparatus to at least:

receive a request to disable at least one functionality of a mobile device (abstract, paragraphs 0006-0007, 0022, 0031-0032, 0037);

determine a tracking function to activate on the mobile device, the tracking function being selected based at least in part on one or more of a time that has passed since the mobile device was lost or stolen or a location in which the mobile device was lost or stolen; and

cause a disable signal to be broadcast to the mobile device, the disable signal comprising information configured to cause the mobile device to disable at least one

functionality and activate the determined tracking function responsive to the disable

signal (abstract, paragraphs 0006-0007, 0022, 0031-0032, 0037).

Muthuswamy does not show determine a tracking function to activate on the

mobile device, the tracking function being selected based at least in part on one or more

of a time that has passed since the mobile device was lost or stolen or a location in

which the mobile device was lost or stolen.

Kagay teaches an apparatus and method of operating a lost mobile

communication device (title, abstract). Kagay teaches using a security module to

control security operations of the mobile device (col. 2 line 15 - col. 3 line 6). For

example, when a user realizes the mobile device is lost, the user can remotely activate

a suspend mode by sending the mobile device a lost communication device message

such as SMS, a page, a telephone call, or any other communication useful for

communicating that the mobile device has been lost. Kagay teaches (col. 3 line 35 -

col. 4 line 16, col. 5 lines 38-52) the security module may also enable an alert sequence

(i.e. tracking function) to assist in locating the mobile device if the owner is in a local

area (i.e. or a location in which the apparatus was lost or stolen).

It would have been obvious for any one of ordinary skill in the art at the time of

invention to modify the mobile device as taught by Muthuswamy to include the security

module as taught by Kagay in order to provide a tracking function that can be remotely

activated thereby assisting the user in finding a lost phone in an area local to the user

as disclosed by Kagay.

Regarding claim 29. Muthuswamy does not show wherein the at least one memory and stored computer program code are configured, with the at least one processor, to cause the apparatus to locate the mobile device by using the tracking function after the tracking function has been activated by the mobile device responsive to the disable signal.

Kagay teaches an apparatus and method of operating a lost mobile communication device (title, abstract). Kagay teaches using a security module to control security operations of the mobile device (col. 2 line 15 - col. 3 line 6). For example, when a user realizes the mobile device is lost, the user can remotely activate a suspend mode by sending the mobile device a lost communication device message such as SMS, a page, a telephone call, or any other communication useful for communicating that the mobile device has been lost. Kagay teaches (col. 3 line 35 - col. 4 line 16, col. 5 lines 38-52) the security module may also enable an alert sequence (i.e. tracking function) to assist in locating the mobile device if the owner is in a local area (i.e. or a location in which the apparatus was lost or stolen).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the mobile device as taught by Muthuswamy to include the security module as taught by Kagay in order to provide a tracking function that can be remotely activated thereby assisting the user in finding a lost phone in an area local to the user as disclosed by Kagay.

Regarding claim 30. Muthuswamy does not show wherein determining a tracking function comprises using a processor to determine the tracking function.

Kagay teaches an apparatus and method of operating a lost mobile communication device (title, abstract). Kagay teaches using a security module to control security operations of the mobile device (col. 2 line 15 - col. 3 line 6). For example, when a user realizes the mobile device is lost, the user can remotely activate a suspend mode by sending the mobile device a lost communication device message such as SMS, a page, a telephone call, or any other communication useful for communicating that the mobile device has been lost. Kagay teaches (col. 3 line 35 - col. 4 line 16, col. 5 lines 38-52) the security module may also enable an alert sequence (i.e. tracking function) to assist in locating the mobile device if the owner is in a local area (i.e. or a location in which the apparatus was lost or stolen). **Kagay teaches tracking function comprises using a processor to determine the tracking function (see figure 1 wherein controller comprises security module used for the tracking function).**

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the mobile device as taught by Muthuswamy to include the security module as taught by Kagay in order to provide a tracking function that can be remotely activated thereby assisting the user in finding a lost phone in an area local to the user as disclosed by Kagay.

Regarding claim 31. Muthuswamy teaches wherein extracting information from the disable signal comprises using a processor to extract information from the disable signal (paragraphs 0006-0007, 0022, 0024-0033, 0037).

Kagay also teaches wherein extracting information from the disable signal comprises using a processor to extract information from the disable signal (col. 2 lines 15-67, col. 3 lines 35-60, col. 5 lines 38-53).

2.   Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muthuswamy et al (2004/0137893 hereinafter Muthuswamy) in view of Kagay, Jr (6,782,251 hereinafter Kagay) further in view of Adams et al (7,103,367 hereinafter Adams).

Regarding claim 4. Muthuswamy disclose the request may be transmitted via a phone call (see paragraph 37).

However, Muthuswamy in view of Kagay do not expressly disclose it is verified based on a caller identification.

Adams teaches a method and system for locating misplaced mobile station and preventing its unauthorized use (abstract, col. 3 lines 17-55, col. 4 lines 1-12). Adams teaches user can call the lost mobile phone with another phone wherein the mobile phone will recognize the call is from a special number thereby allowing the owner of the phone the ability to find a misplaced phone (col. 4 lines 13-46, col. 9 lines 4-44, col. 9 lines 60-67, col. 10 lines 1-21, col. 10 lines 31-42). Adam also teaches the owner of the misplaced mobile phone can send a text message to the lost phone (col. 4 lines 20-28, col. 6 line 65 - col. 7 line 24, col. 8 lines 1-12, col. 8 lines 40-65, col. 9 lines 4-44, col. 9 lines 60-67, col. 10 lines 1-21, col. 10 lines 31-42).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the teachings of Muthuswamy in view of Kagay to program a mobile

phone to recognize a call from a special number as taught by Adams in order to provide

a means for helping a user find a misplaced mobile station as disclosed by Adams.

Regarding claim 16. Muthuswamy in view of Kagay do not expressly disclose

authenticating the request with a mobile device owner.

Adams teaches a method and system for locating misplaced mobile station and

preventing its unauthorized use (abstract, col. 3 lines 17-55, col. 4 lines 1-12). Adams

teaches user can call the lost mobile phone with another phone wherein the mobile

phone will recognize the call is from a special number thereby allowing the owner of the

phone the ability to find a misplaced phone (col. 4 lines 13-46, col. 9 lines 4-44, col. 9

lines 60-67, col. 10 lines 1-21, col. 10 lines 31-42). Adam also teaches the owner of the

misplaced mobile phone can send a text message to the lost phone (col. 4 lines 20-28,

col. 6 line 65 - col. 7 line 24, col. 8 lines 1-12, col. 8 lines 40-65, col. 9 lines 4-44, col. 9

lines 60-67, col. 10 lines 1-21, col. 10 lines 31-42). Adams teaches some form of

account number, full or partial social security number, or a special personal

identification number can be used to authenticate the user in order to avoid possible

abuse of the system (col. 8 lines 59-65).

It would have been obvious for any one of ordinary skill in the art at the time of

invention to modify the teachings of Muthuswamy in view of Kagay to use some form of

authentication as taught by Adams in order to authenticate the owner of a lost phone

thereby avoiding possible abuse of the system as disclosed by Adams.

3.   Claims 8, 21, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Muthuswamy et al (2004/0137893 hereinafter Muthuswamy) in view of Kagay, Jr

(6,782,251 hereinafter Kagay) further in view of Hayatake et al (5,734,978 hereinafter Hayatake).

Regarding claim 8, Muthuswamy in view of Kagay do not disclose a return signal to verify access to the mobile device memory has been limited.

In a similar field of endeavor, Hayatake et al disclose a system where after destroying the data in the phone, the control section transmits a destruction end signal to the telephone informing the user of the destruction (see column 5, lines 5-15 and figure 2B).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Muthuswamy in view of Kagay with Hayatake to include the above destruction confirmation signal so that the legal owner of the stolen mobile telephone can confirm that the mobile telephone has been made unavailable as suggested by Hayatake et al (see column 5, lines 5-15).

Regarding claim 21. Muthuswamy in view of Kagay fails to expressly disclose that the request to disable access to the device is transmitted upon an unauthorized use.

In a similar field of endeavor, Hayatake disclose a system where the request to disable the phone is repeated, and can only function when the cell phone is turned on and is registered (see column 6, line 66 - column 7, line 23), which reads on the claimed, "the request to disable access at least one functionality of the device is transmitted in response to an unauthorized use of the mobile phone," wherein turning the stolen cell phone on reads on unauthorized use.

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to modify Muthuswamy in view of Kagay with Hayatake to include the

above transmission of the request when the cell phone is on in order to ensure that the

request is received.

Regarding claim 25. Muthuswamy in view of Kagay fail to disclose a return

signal that indicates the functionality of the device has been disabled.

In a similar field of endeavor, Hayatake disclose a system where after destroying

the data in the phone, the control section transmits a destruction end signal to the

telephone informing the user of the destruction (see column 5, lines 5-15 and figure 2B).

It would have been obvious to a person of ordinary skill in the art at the time of

the invention to modify Muthuswamy in view of Kagay with Hayatake to include the

above destruction confirmation signal so that the legal owner of the stolen mobile

telephone can confirm that the mobile telephone has been made unavailable as

suggested by Hayatake et al (see column 5, lines 5-15).

(10) Response to Argument

(I) Appellants argue that prior art does not teach "determining **a tracking**

function to activate based **at least in part** on the **extracted information**, the tracking

function being selected based **at least in part on <u>one or more</u>** of a time that has

passed since the apparatus was lost or stolen **or** a location in which the apparatus was

lost or stolen" (brief, page 6 – page 8).

The Examiner notes that "**a tracking function**" can simply be an audio alarm.

Support for "a tracking function" can be found in dependent claim 11 (see Amendment

dated 7/6/2010, page 3) "wherein the determined tracking function employs **one or more** of a global positioning system, a homing beacon and an **audio alarm**" which is addressed in the Final Office action.

The Examiner notes that the only place **"extracted information"** appears is in figure 4 step 420 and **only supported at Specification page 11, lines 18-20** which corresponds to paragraph **0049** of Pub. No.: 2008/0233919 which reads: "At 420 (i.e. figure 4), **data is extracted** from the signal **in order to determine if the signal contains information that relates to disabling and/or limiting the functionality of the device**". However, the extracted information is only used to determine if the signal contains information relating to disabling and/or limiting the functionality of the device which is clearly addressed in Final Office action dated 9/15/2010.

The next place that **hints at** using **"extracted information"** can be found in specification at page 12, lines 3-8 (paragraph 0051 of Pub. No.: 2008/0233919) wherein a device owner **notifies network to disable his lost phone** whereby the owner can notify the network in a multitude of ways including wireless network, Internet, PDA, etc. The next step at specification page 12, lines 14-26 (paragraph 0052 of Pub. No.: 2008/0233919) involves the wireless network **choosing a method to be used in locating the device which is simply a matter of design choice and can simply be an audio signal** to indicate the location of the device when the owner has recently lost the device or could simply be an audio alarm in the case the user misplaced his phone at a residence. However, no where is the extracted information ever used in

determining the type of tracking function to use. Instead, the selection of the method is nothing more than design choice.

The last place that **hints at** using "**extracted information**" can be found at specification page 13, lines 13-23 (paragraph 0056 of Pub. No.: 2008/0233919) which basically is used to first verify the user who is making a request to disable his/her lost phone. After the user is verified at specification page 13, lines 24-30 (paragraph 0057 of Pub. No.: 2008/0233919), the network broadcast **a signal to disable the device** utilizing the wireless network. Alternatively, a third party signal could be used such as satellite communication. However, no where is the "extracted information" used in determining the type of tracking function.

More importantly, the **independent claims do not require all the limitations** since "at least in part on **one** or more" only require disabling a lost phone upon the user's request, then maybe (i.e. **in an instance**) the user would like the network to make the phone ring so that he/she can locate phone at that particular time and/or location (i.e. the user just returns home with her phone but can't seem to remember where it was place, therefore, the user request the network to make the phone ring (i.e. activate a tracking function) which is clearly met by the Final Office Action (i.e. Muthuswamy teaches disabling a lost phone and Kagay not only teaches the device can be disabled but allow the user to remotely send commands to the phone which can make the phone ring to assist in finding a lost phone.)).

II) Appellants argue that claim 15 recites features that are not recited in claim 1. For example, Claim 1 recites an apparatus that receives a remotely originated request

to disable the apparatus and Claim 15 recites causing a disable signal to be broadcast

to a mobile device (brief, bottom of page 8 to top of page 9).

The Examiner notes that Claim 15 is just as broad as Claim 1. For example, a

user just returns **home** with her phone but can't seem to remember where it was place

which reads on "determining a tracking function to active on the mobile device, the

tracking function being selected based at least in part on one or more of **a location** in

which the mobile device was lost". Therefore, the user request the network to make the

phone ring (i.e. activate the **determined tracking function**) which is clearly met by the

Final Office Action (i.e. Muthuswamy teaches disabling a lost phone and Kagay not only

teaches the device can be disabled but allow the user to remotely send commands to

the phone which can make the phone ring to assist in finding a lost phone).

III) Appellants keep repeating the same argument for claims 15 and 28 (brief

page 9).

IV) Appellants skip the rejections for dependent claims (brief, page 10).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Barry W Taylor/

Primary Examiner, Art Unit 2617

April 14, 2011

Conferees:

/Kent   Chang/

Supervisory Patent Examiner, Art Unit 2617

/George   Eng/

Supervisory Patent Examiner, Art Unit 2617